

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CRIMINAL CASE NO. 3:94cr126-04

UNITED STATES OF AMERICA,)

)

)

vs.)

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)

RICHARD DALTON CRAWFORD.)

_____)

ORDER

THIS MATTER is before the Court on the Notice of Ineligibility regarding Crack Cocaine Offense [Doc. 406], filed January 27, 2009.

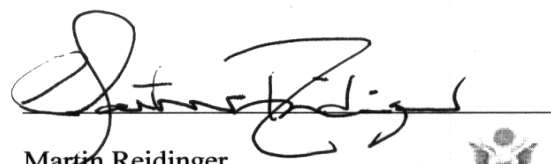
It appears that this Defendant may have been identified as a person who may be eligible for some relief pursuant to Amendment 706 to the Sentencing Guidelines. Even though no motion was filed either pro se or by counsel, the matter was referred to Defendant's counsel for review, culminating in the filing of the Notice of Ineligibility. Counsel for the Defendant advises that the Defendant completed his original sentence of imprisonment but was sentenced to a new term of imprisonment in December 2007 for violating the terms of his supervised release. The record of the case reveals this is accurate. [Doc. 221; Doc. 274; Doc. 326;

Doc. 337]. However, counsel also advises that in December 2008, the Defendant was released from prison in connection with the sentence for a supervised release violation. As a result, counsel has not filed a motion.

Counsel is correct that only those persons currently serving a sentence which was determined by a sentencing range calculated with the impacted drug quantity table are potentially eligible for consideration. See, United States v. Dawson, 2008 WL 2874129 (E.D.Ark. 2008). Thus, an individual who has been sentenced for a supervised release violation may not receive the benefit of the amendment. United States v. Rivera, 2008 WL 2915060 (M.D.Fla. 2008).

IT IS, THEREFORE, ORDERED that for the reasons stated herein, the Defendant is not eligible for any relief pursuant to the Crack Cocaine Amendment to the United States Sentencing Guidelines, Amendment 706.

Signed: February 2, 2009


Martin Reidinger
United States District Judge

